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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/531,621

04/14/2005

David S. Foell

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POLYONE CORPORATION  
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EXAMINER

BUCKLE JR, JAMES J

ART UNIT

PAPER NUMBER

4155

MAIL DATE

DELIVERY MODE

02/21/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/531,621	<b>Applicant(s)</b> FOELL ET AL.	
	<b>Examiner</b> JAMES J. BUCKLE JR	<b>Art Unit</b> 4155	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 April 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. ____.                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>09/14/2005</u> .  | 6) <input type="checkbox"/> Other: ____.                          |

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters, for example, "150", "152", "154", "156" has been used to designate both "female portions", "wall", "vertex", "elongated form element" respectively and "formwork arrangement", "1<sup>st</sup> insulation block", "2<sup>nd</sup> insulation block", "projection" respectively. Applicant should note that this is not a complete and exhaustive list. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

2. Claim 1 objected to because of the following informalities: claim 1 recites the limitations of "the boundary" and "the interior chamber" in line 5 and line 8

respectfully. There appears to be insufficient antecedent basis for this limitation in the claim. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

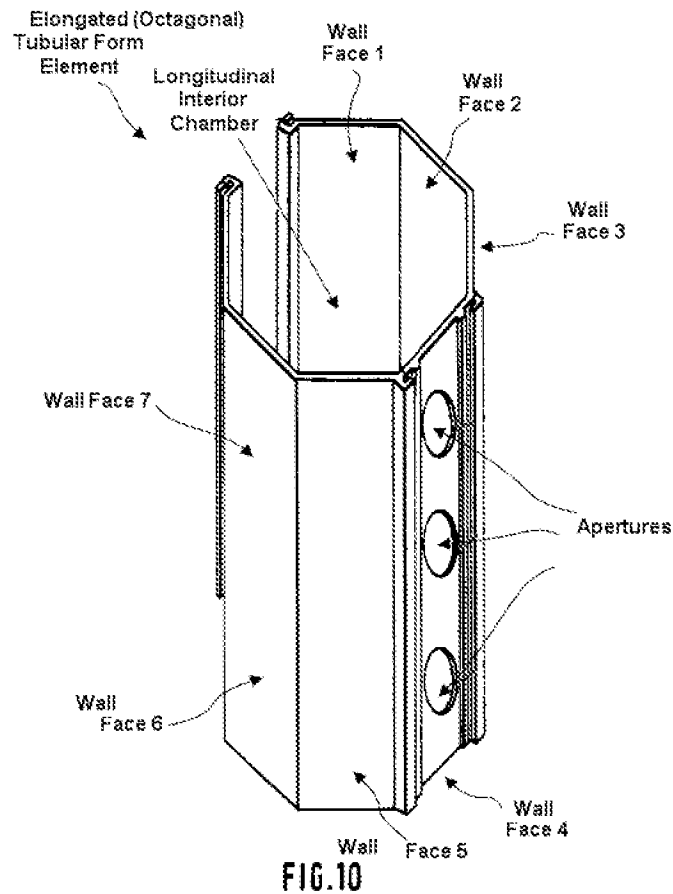
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1--18 are rejected under 35 U.S.C. 102(b) as being anticipated by Nessa et al.
5. Regarding claim 1, Nessa et al discloses an apparatus comprising:
- a. "an elongated tubular form element, wherein the tubular form element includes a tubular boundary of multiple wall faces...the boundary bounds a longitudinal interior chamber" ("Wall Face1...7", "Longitudinal Interior Chamber", Examiner amended Fig.10)
  - b. "...at least one female engagement portion..." which is adapted to receive a male engagement portion. ("Female Engagement Portion 1...8", Examiner amended Fig.2)
  - c. "...at least one female engagement portion extends into the interior

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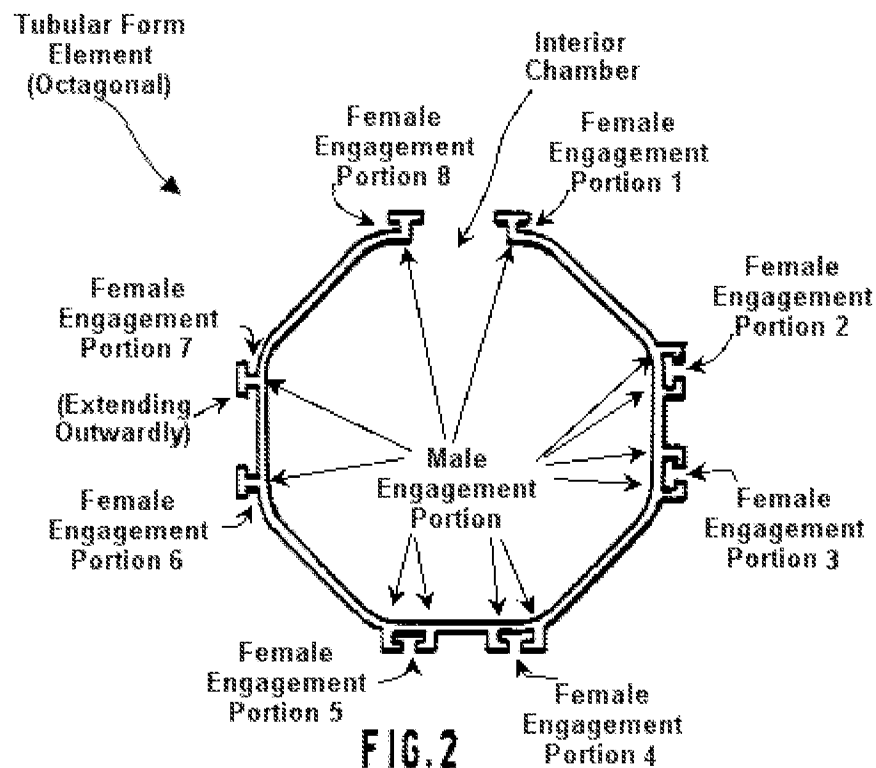
chamber from a vertex of adjacent wall faces...includes an opening at the boundary..." ("Female Engagement Portion 1...8", "Vertex" Examiner amended Fig.2 and 3)

- d. "...the tubular form element includes at least one male engagement portion extending outwardly of the boundary." ("Male Engagement Portion", Examiner amended Fig.2)



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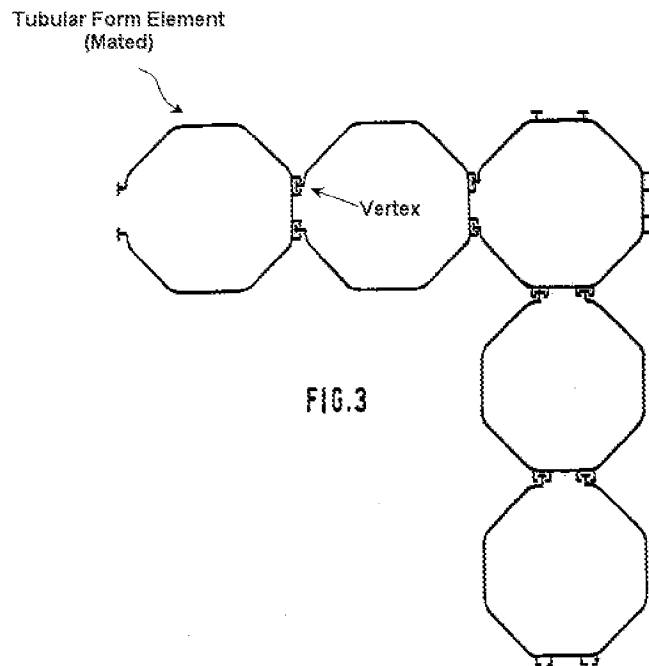


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(Examiner Amended)

6. Regarding claims 2, 3 and 11, Nessa et al. discloses a octagonal tubular form element as well as other geometries (Column 4, lines 6-10) that has at least five female engagement(Claims 3 and 11), which is considered to be of "symmetrical permitting geometry" (Claim 2). ("Female Engagement Portion1...8", Examiner amended Fig.2)
7. Regarding claims 4 and 12, Nessa et al. discloses a octagonal tubular form

element that has at least seven wall faces and at least two male engagement portions. ("Wall Face 1...7" and "Male Engagement Portion", Examiner amended Fig.2 and 10)

8. Regarding claims 5 and 13, Nessa et al. discloses a tubular form element that has apertures in at least one face of the form element ("Apertures", Examiner amended Fig.10)
9. Regarding claims 6 and 14, Nessa et al. discloses a tubular form element that is "operative" to mate with another tubular form element where one female engagement portion of one tubular form element mates with one male engagement portion of another tubular form element. (Examiner amended, Fig.3)
10. Regarding claims 7 and 15, Nessa et al. discloses an apparatus wherein "the male engagement portion of one tubular form element and the female engagement portion of a second tubular form element occurs at a vertex of the second tubular form element." ("Vertex", Examiner amended Fig.3)



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11. Regarding claims 8 and 16, Nessa et al. discloses mated multiple tubular form elements that are "operative" to form a wall structure. (Column 3, lines 49-55)
12. Regarding claims 9 and 17, Nessa et al. discloses an apparatus the comprises multiple wall structures that form at least one wall of a building (Column 3, lines 28-30).
13. Regarding claims 10 and 18, Nessa et al. discloses an apparatus comprising insulation, reinforcing bars and concrete with in the multiple wall structures (Column 4, lines 31-37). Concrete is considered to be a form of insulation.



***Conclusion***

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAMES J. BUCKLE JR whose telephone number is (571)270-3739. The examiner can normally be reached on Monday-Thursday, Alternating Friday 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Victor Batson can be reached on 571-272-6987. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Victor Batson/  
Victor Batson  
Supervisory Patent Examiner  
Art Unit 4155